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[REDACTED]

**CONFIDENTIAL**

[REDACTED]

Case No. 87026.A

Dear [REDACTED]

The Board of Ethics has received your request for an advisory opinion to determine whether [REDACTED] a city planner, may obtain outside employment as a real estate salesperson without presenting a conflict of interest situation in violation of Executive Order 86-1.

Generally speaking, personnel and/or departmental rules rather than the Executive Order address the issue of secondary employment. However, the Executive Order provides that if a city employee obtains outside employment, their conduct in the private sector must conform to the following standards:

- (1) The employee may not accept any thing of value in return for advice or assistance on matters concerning the operation or business of the City. (See Exec. Order 86-1, Section 6; attached)
- (2) The employee may not disclose confidential or non-public information gained as a result of employment with the City. (See Exec. Order 86-1, Section 8; attached)
- (3) The employee may not represent any person other than the City in any formal or informal proceeding before any city agency in which the agency's action is of a non-ministerial nature. (See Exec. Order 86-1, Section 10(a); attached)



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- [REDACTED]
- [REDACTED]
- (4) The employee may not represent any person in any judicial or quasi-judicial proceeding in which the City is a party or has a direct and substantial interest. (See Exec. Order 86-1, Section 10(b); attached).

To the extent that [REDACTED] real estate sales activities are unrelated to the official duties and responsibilities of a city planner and are in accordance with the foregoing limitations, his request to obtain outside employment as a real estate salesperson will not be inconsistent with the Executive Order.

Sincerely,  
*Robert C Howard*  
Robert C. Howard  
Chairman

ENCLOSURES

[REDACTED]

JS/jh- [REDACTED]